

## REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and the following Remarks is respectfully requested. Claims 1-12 are currently pending in the application. Claims 1-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,742,757 to Hamadani, et al. (“Hamadani”) in view of U.S. Pat. Pub. No. 2001/0011254 to Clark (“Clark”). Claims 1, 5, and 9 have been objected to for lack of proper antecedent basis. Claims 1, 2, 3, 5, 6, 7, 9, 10, and 11 have been amended and new claims 13, 14, and 15 have been added. After a careful review of the claims and references, applicant believes that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Independent claims 1, 5, and 9 have been amended to clarify that they are directed to a method, server or medium wherein messages are sent to the remote users denied access indicating denial and future notification, and that access is allowed only after response by the remote user to the alert (see e.g., p. 16, lines 15-21); and to eliminate the lack of antecedent for “the remainder.” Hamadani discloses a software license management system but does not disclose a message to users denied access which includes that access is not allowed and that subsequent notification of available access will be provided, and further does not disclose allowing access only after the user responds to the alert. The Office Action indicates that Hamadani teaches sending a message to the remote users at Col. 5, line 50-57. However, this merely describes notification when a request can be served, it is not a message indicating the request cannot be served and that the user will be subsequently notified. The Office Action also indicates that Hamadani teaches allowing access only after the remote user responds at Col. 4, lines 60-67, and Col. 5, lines 41-51. However, these passages only describe notifying the requesting EWS, and allowing the request to be serve, but they do not describe limiting access to

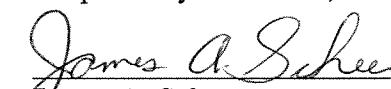
only after a response to the alert. These features are also not disclosed by Clark.

Thus, the independent claims 1, 5, and 9 distinguish over Hamadani and Clark for at least the above reasons, and are therefore believed to be allowable. Claims 2-4, 6-8, and 10-16 are dependent upon now allowable claims 1, 5, and 9 are therefore also believed to be allowable in like manner.

Claims 2, 3, 6, 7, 10, and 11 are believed to be further distinguishable because neither Hamadani nor Clark discloses returning requests to the queue to allow an additional opportunity or a predetermined member of additional opportunities as claimed in the amended claims 2, 3, 6, 7, 10, and 11 (see e.g. p. 18, lines 11-20). New claims 14, 15, and 16 claim a server having reserved ports (Claim 14), response within a predetermined time period (Claim 15) and storage and use of information about the user, termination of the contact and use of the stored information to recontact the user (see e.g., p. 15, lines 22-24; p. 13, lines 9-11; and p. 13, lines 16-20 respectively). These features are also not disclosed by Hamadani or Clark and are therefore believed to be further distinguishable.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application the Examiner is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

  
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Dated: September 14, 2007

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